



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 5, 2010
Agenda Item: **1**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 215 Blackfield Drive; File No. 51003;
Consideration of a Sign Permit To Install an Illuminated Directional Monument Sign for a Religious Place of Worship (Congregation Kol Shofar)
Reviewed By: _____

PROJECT DATA

ADDRESS: 215 BLACKFIELD DRIVE
ASSESSOR'S PARCEL: 038-351-34
OWNER: CONGREGATION KOL SHOFAR
APPLICANT/ARCHITECT: HERMAN COLIVER LOCUS ARCHITECTURE
FILE NUMBER: 51003
ZONING: RO-1 (SINGLE-FAMILY RESIDENTIAL-OPEN)
GENERAL PLAN: MEDIUM LOW DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JULY 14, 2010

PRELIMINARY ENVIRONMENTAL DETERMINATION

Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301.

PROPOSAL

The applicant desires to an illuminated directional sign on top of an existing monument sign on property located at 215 Blackfield Drive. The 1.3 square foot wooden sign with the word "enter" and a directional arrow would be placed on top of an existing 18.75 square foot monument sign indicating the presence of the Congregation Kol Shofar synagogue on the property. A ground-mounted light fixture would face upward to illuminate the face of the proposed sign.

BACKGROUND

On February 21, 2007, the Town Council adopted Resolution No. 15-2007 approving a conditional use permit for the expansion of the facilities at the Congregation Kol Shofar

synagogue. This resolution contained numerous conditions of approval relating to the construction and operation of existing and proposed facilities on the site.

Several conditions of approval addressed potential traffic controls for the site. The main synagogue parking lot was modified to allow ingress only from Via Los Altos, with egress onto Reedland Woods Way. To direct traffic into the parking lot using the Via Los Altos entrance and to keep traffic away from the residential neighborhood on Reedland Woods Way, the Council established Condition of Approval No. 5.A.iii, which reads as follows:

“A lighted directional sign to be reviewed by the Design Review Board shall be required at the corner of Blackfield Drive and Via Los Altos to direct vehicles to the CKS parking lot entrance on Via Los Altos and to discourage use of Reedland Woods Way by CKS-related inbound traffic. The sign shall be constructed of natural materials with low-impact lighting.”

The subject sign permit application has been submitted to comply with this condition of approval.

ANALYSIS

The proposed sign appears to comply with the intent of Condition of Approval No. 5.A.iii. The directional text and arrow of the sign should properly direct traffic toward the Via Los Altos entrance to the main parking lot. The light fixture in front of the sign would illuminate the sign and would face away from residences in the vicinity, eliminating the possibility of light or glare affects on nearby homes.

Several neighboring residents have suggested that a timer be installed for the light fixture in front of the sign to avoid illumination of the sign when there are no activities on the site. Staff recommends that the Design Review Board require installation of such a timer for the sign's light fixture. However, the hours during which the sign could be illuminated should be established by the Planning Commission during a future review of the conditional use permit for the property.

Public Comment

To date, one letter has been received regarding the subject application.

RECOMMENDATION

The Board should review this project with respect to the Sign Ordinance (Chapter 16A of the Tiburon Municipal Code) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Letter from Samantha and James Winter, dated July 26, 2010
4. Submitted plans

CONDITIONS OF APPROVAL

215 BLACKFIELD DRIVE

FILE #51003

1. This permit approves signs for Congregation Kol Shofar on property located at 215 Blackfield Drive. The construction of the monument sign and lighting shall conform with the application dated by the Town of Tiburon on July 6, 2010, or as amended by these conditions of approval. Any modifications to the plans of July 6, 2010, must be reviewed and receive Planning Division approval.
2. Prior to erection of the sign, permittee shall obtain all building, electrical, or structural permits required by the Town's adopted Uniform Building Code or Electrical Code.
3. The issuance of this sign permit shall not be valid if the approval constitutes a violation of the Tiburon Sign Ordinance (Chapter 16A of the Tiburon Municipal Code). No permit presuming to give authority to violate or cancel the provisions of said chapter shall be valid.
4. The Town may at any time make such inspections as necessary to determine whether any sign is in compliance with this approval and other applicable regulations.
5. Permittee shall maintain the sign and all supporting components in good repair and finish. Substantially deteriorated, badly weathered, rusty, or otherwise poorly maintained signs shall be subject to public nuisance abatement or other available remedies.
6. This sign permit shall be valid for 90 days following approval, and shall expire and become null and void unless the signs, as approved, are erected prior to that date, unless an extension, filed in writing with the Planning Division, is granted by the Director of Community Development.
7. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
8. The light in front of the subject sign shall be placed on a timer that can be programmed to shut off the light at specified hours.



TOWN OF TIBURON
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Design Review Board Meeting
August 5, 2010
Agenda Item: **2**

STAFF REPORT

To: Members of the Design Review Board

From: Associate Planner Tyler

Subject: 11 Raccoon Lane; File No. 21006; Site Plan and Architectural Review for Construction of an Addition with a Variance for Reduced Front Yard Setback and a Floor Area Exception

Reviewed By: _____

PROJECT DATA

OWNER: DESMOND KING & GEORGEANN ECONOMY
APPLICANT/ARCHITECT: JOHN SWAIN, ARCHITECT
ADDRESS: 11 RACCOON LANE
ASSESSOR'S PARCEL NUMBER: 059-052-13
FILE NUMBER: 21006
LOT SIZE: 5,946.6 SQUARE FEET
ZONING: R-2 (SINGLE-FAMILY RESIDENTIAL)
GENERAL PLAN: H (HIGH DENSITY RESIDENTIAL)
FLOOD ZONE: X
DATE COMPLETE: JUNE 8, 2010

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA), as specified in Section 15301.

PROJECT DESCRIPTION

The applicant is requesting to construct an addition with a variance for reduced front yard setback and a floor area exception on property located at 11 Raccoon Lane. Currently the property is improved with a single-family dwelling.

The main level of the home includes a living room, dining room, family room, kitchen, a bedroom and bathroom, two-car garage and an extra bathroom. The lower level of the home includes two bedrooms and a bathroom, the master bedroom suite and a laundry area. The proposal would slightly expand the lower level of the home by incorporating a larger bathroom for the master bedroom, as well as a walk-in closet and storage area.

The proposed structure would result in a lot coverage of 2,295.2 square feet (38.6%) which exceeds the maximum permitted lot coverage in the R-2 zoning district (35.0%). The existing lot coverage of the structure is 2,246.5 square feet (37.7%). The proposed addition would increase the lot coverage by 48.7 square feet. As the existing structure currently exceeds the maximum lot coverage, and the request to expand the deck is a less than 1% increase, a variance is not required for excess lot coverage.

The proposed structure would result in a gross floor area of 2,831.9 square feet, which exceeds the maximum permitted gross floor area for a parcel of this size (2,081.3 sq. ft.). Therefore, a floor area exception has been requested.

The home currently encroaches five feet (5') into the required fifteen foot (15') front yard setback. The proposed expansion at the lower level of the home would continue the same five foot (5') encroachment, for a continued reduced front yard setback of ten feet (10'). As the minimum required setback in the R-2 zone is fifteen feet (15'), a variance for reduced front yard setback has been requested.

In addition to the proposed expansion, landscaping improvements are also proposed including, but not limited to: a new permeable paver driveway, replacement of an existing entry deck and addition of a new entry overhang, replacement of the entry stairs, new landscape pathways, a stone wall, an arbor and plantings. A small gable roofline would also be installed on the front elevation of the home.

ANALYSIS

Design Issues

The existing dwelling is designed to take advantage of views to the south of downtown Tiburon, Belvedere and San Francisco. Existing mature vegetation screens most of the front of the home from Raccoon Lane. Currently, lattice screens the area where the proposed addition would be located.

The addition would not be extremely visible from Raccoon Lane, as it would infill an existing crawlspace area. The only noticeable change would be the new windows added to the front elevation of the home, combined with the installation of a new small gable roofline and the front yard landscaping modifications. As part of the landscaping modifications, a new covered patio is proposed adjacent to the front entry. It should be noted that the pergola structure is detached from the dwelling, and therefore is permitted to be constructed within the front yard setback without the need for a variance.

Staff does not foresee any other design issues with the project.

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-2 zone, with the exception of the previously noted variance for reduced front yard setback and floor area exception.

Variance

In order to grant the requested variance for reduced front yard setback, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance.

- 1. Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.**

The property is a small, unusually shaped parcel off Raccoon Lane, and slopes steeply upward from south to north. These are special circumstances applicable to the property.

- 2. The variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.**

Many of the adjacent dwellings along Raccoon Lane are located within the required thirty foot (30') front yard setback, along with other required setbacks, due to the steep topography and smaller parcel size(s).

- 3. The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.**

The applicant has indicated that the proposed addition would allow for a larger master bathroom, closet and storage area, which the home currently lacks, and which neighboring properties currently enjoy. Staff does not view this explanation as a practical difficulty or unnecessary hardship, particularly as the house already exceeds the allowable lot coverage and floor area ratio for a lot of this size, and is therefore unable to make this finding.

- 4. The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.**

The proposed infill addition would not be detrimental or injurious to other properties as the addition would be located within the existing footprint of the home, and would not overly change the appearance of the structure, with the exception of a few new windows to the front elevation.

From the evidence provided, Staff believes that there is insufficient evidence to support the findings for the requested variance, specifically with the practical difficulty or unnecessary hardship finding.

Floor Area Exception

In order to grant the requested floor area exception, the Design Review Board must make the following findings as required by Section 16-52.020 (I)(4) of the Tiburon Zoning Ordinance:

- 1. The applicant has demonstrated that the visual size and scale of the proposed structure is compatible with the predominant pattern established by existing structures in the surrounding neighborhood.**
- 2. The applicant has demonstrated that the proposed structure is compatible with the physical characteristics of the site. The characteristics include, but are not limited to, the scale of trees, rock outcroppings, stream courses, land forms, and the dimensions of the lot.**

The proposed addition would infill an existing crawlspace area, which would not dramatically change the appearance of the home, nor be visually prominent from Raccoon Lane. The only visible change to the dwelling would be the addition of new windows to the front elevation, installation of a small gable roofline, and the landscaping modifications at the front of the property. Therefore, the dwelling would remain compatible with the existing structures in the surrounding neighborhood, and with the physical characteristics of the site.

From the evidence provided, Staff believes there is sufficient evidence to support the findings for the requested floor area exception.

Public Comment

As of the date of this report, one letter has been received in support of the subject application.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Review the project with respect to Zoning Ordinance Section 16-52.020 (H) (Guiding Principles), Section 16-52.030 (Variances), and Section 16-52.020 (I) (Floor Area Ratio Guidelines); and
2. Determine that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and
3. Continue the project, with direction given to the applicant to redesign the addition so that it does not encroach into the front yard setback. If the Board disagrees with staff's conclusions, then findings should be articulated for the requested front yard setback variance, and staff would recommend approval of the project, subject to the attached draft conditions of approval.

Exhibits:

1. Conditions of Approval
2. Application and Supplemental Materials
3. Email dated June 22, 2010 from Rick Cattell of 8 Raccoon Lane
4. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner

Exhibit 1

CONDITIONS OF APPROVAL
11 RACCOON LANE
FILE NO. 21006

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. Construction shall conform with the application and plans dated by the Town of Tiburon on April 14, 2010 and June 22, 2010, as amended by these conditions of approval. Any modifications to the plans must receive Design Review approval.
3. Project elements shown on construction drawings submitted to the Building Division for plan check shall be essentially identical to those project elements shown on drawings approved by the Design Review Board. The permit holder is responsible for clearly identifying on construction drawings any and all changes to project elements. Such changes must be clearly highlighted (with a "bubble" or "cloud") on the construction drawings. A list describing in detail all such changes shall be submitted and attached to the construction drawings, with a signature block to be signed by the Planning Division Staff member indicating whether these changes have been reviewed and are approved, or will require additional Design Review approval. All such changes that have not been explicitly approved by the Town are not "deemed approved" if not highlighted and listed on construction drawings. Construction of any such unapproved project elements is in violation of permit approvals and shall be subject to Stop Work Orders and removal.
4. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
5. Guardrails approved as part of this application shall contain no horizontal elements other than the top and bottom rails.
6. All skylights shall be bronzed or tinted in a non-reflective manner (minimum 25%) and no lights shall be placed in the wells.
7. All exterior lighting fixtures other than those approved by the Design Review Board must be down-light-type fixtures.
8. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney's fees that might result from the third party challenge.
9. A construction sign shall be posted on the site during construction of the project, in a location plainly visible to the public. The sign shall be 24" x 24" in size and shall be made of durable, weather-resistant materials intended to survive the life of the construction period. The sign shall contain the following information: job street address;

work hours allowed per Chapter 13 of the Tiburon Municipal Code; builder (company name, city, state, ZIP code); project manager (name and phone number); and emergency contact (name and phone number reachable at all times). The sign shall be posted at the commencement of work and shall remain posted until the contractor has vacated the site.

10. The new stone paver driveway should employ a standard concrete driveway approach.
11. The new rock wall in the public right-of-way is not permitted, unless the applicant can show that the wall is necessary and vital for the safety of the property, and with due-diligence, demonstrate that it cannot be placed within private property.
12. Public right-of-way should be protected from damage during construction, or repairs will be made to the satisfaction of the Town.
13. All requirements of the Director of Public Works/Town Engineer shall be met. An encroachment permit shall be filed and issued with the Town of Tiburon Public Works Department, for all work to be conducted within Town right-of-way, or Town-owned land, as defined in Chapter 19 of the Tiburon Municipal Code.
14. The project shall comply with the following requirements of the California Fire Code and the Tiburon Fire Protection District:
 - a. The structure shall have installed throughout an automatic fire sprinkler system. The system shall be extended to cover the additional area. The system design, installation and final testing shall be approved by the District Fire Prevention Officer. CFC 903.2
 - b. The vegetation on this parcel shall comply with the requirements of the Tiburon Fire District and the recommendations of Fire Safe Marin. CFC 304.1.2.



TOWN OF TIBURON
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Design Review Board Meeting
 August 5, 2010
 Agenda Item: **3**

STAFF REPORT

To: Members of the Design Review Board
From: Associate Planner Tyler
Subject: 55 Mount Tiburon Road; File No. 710062; Recommendation to Deny Appeal of Planning Staff’s Decision to Approve a Site Plan and Architectural Review Application for Construction of a Six Foot High (6’) Deer Fence
Reviewed By: _____

PROJECT DATA

OWNER: ZACH & ANNETTE FAIDI
 APPLICANT/ARCHITECT: ZACH FAIDI/THOMAS GALLI
 APPELLANTS: WALTER & BETSY MENZEL
 ADDRESS: 55 MOUNT TIBURON ROAD
 ASSESSOR’S PARCEL NUMBER: 058-252-14
 FILE NUMBER: 710062
 LOT SIZE: 36,000 SQUARE FEET
 ZONING: RO-1 (SINGLE-FAMILY RESIDENTIAL-OPEN)
 GENERAL PLAN: ML (MEDIUM LOW DENSITY RESIDENTIAL)
 FLOOD ZONE: X

BACKGROUND

On June 17, 2010 the Planning Division approved a Site Plan and Architectural Review application for construction of a small retaining wall, a six foot high (6’) perimeter deer fence and a vehicle entry gate, on property located at 55 Mount Tiburon Road. The adjacent neighbor located at 45 Mount Tiburon Road has now appealed this decision to the Design Review Board.

PROJECT DESCRIPTION

The applicant submitted a request for construction of a six foot high (6’) perimeter deer fence, a vehicle entry gate and a small section of retaining wall. Currently the property is improved with a single-family dwelling.

The proposed deer fencing would be six feet in height (6’) and would be a non-climbable wire mesh fencing material in between metal stakes, all of which would be painted a flat black. The fencing would be similar to what is installed around the property located at 80 Mount Tiburon Road. An approximately fifty-six foot (56’) section of wood retaining wall would be installed in combination with the proposed deer fencing on the west side of the property. The vehicle entry

gate would connect with the proposed perimeter deer fencing at the driveway, and would incorporate stone columns with a solid redwood gate.

REVIEW BY PLANNING DIVISION

During the ten-day courtesy public review period, the adjacent neighbor to the west, located at 45 Mount Tiburon Road, voiced concerns regarding a potential view obstruction if the deer fence was approved as originally proposed. Staff visited the neighbor's home and determined that modifications to the location of the proposed fencing should be made, in order to maintain an unobstructed viewshed of the Bay Bridge and downtown San Francisco from within the neighbor's living room.

Staff informed the applicant of the potential view obstruction, and advised the applicant to modify the location of the deer fencing in this particular location, as staff would not be able to approve the location of the deer fence as proposed, due to the impact it would have on the adjacent neighbor's view. The applicant modified the proposal, which shifted the fencing back, closer to the existing tree/shrub line, in order for the neighbor to maintain an unobstructed viewshed of the bridge and city. The applicant then submitted a revised site plan along with color photographs which indicated where stakes had been placed to show the revised location of the fence. The stakes indicated that the fence would not obstruct views for the neighbor at 45 Mount Tiburon.

Staff approved the application, as there would no longer be a view obstruction for the adjacent neighbor at 45 Mount Tiburon Road. Staff also included a condition of approval which stated that the deer fencing should comply with the revised site plan and photographs, which indicated that the fencing would not block views for this adjacent neighbor.

During the five-day appeal period, the owner of 45 Mount Tiburon Road appealed Staff's decision to the Design Review Board.

BASIS FOR THE APPEAL

There are four grounds upon which the appeal (**Exhibit 1**) is based:

Ground #1: **Placement of the southwest corner pole of the fence directly on the property line closest to our driveway (18 feet) and home (39 feet) violates section 16-30.040 (B.2a.V) of the Zoning Ordinance.**

Staff Response: Section 16-30.040 (B.2a.V) of the Zoning Ordinance states that a fence, wall, or retaining wall may exceed six feet in height, if the review authority determines that the proposed fence would not result in significant view obstruction or visual impacts on properties in the vicinity. In this case, the fence in question would not exceed six feet in height, and therefore this section of the zoning ordinance would not apply.

The location of the southwest corner pole of the fence would not obstruct views for the adjacent neighbor. However, the fence would be visible running along the tree line from within the living room at 45 Mount Tiburon Road. A fence that is visible, which does not obstruct views is

considered acceptable. Many properties in Tiburon have views of property line fencing, including deer fences, which do not obstruct views.

Ground #2: **The proposed fence should not be approved until it is specified that the landscaping be placed inside the fence. If it is outside the fence, then it could easily intrude on our scenic view of the Bay Bridge and San Francisco, out of the living room window.**

Staff Response: The applicant did not indicate anywhere on the plans or in the project description, installation of landscaping along the section of fencing in question. This appears to have been mentioned in conversation between the subject property owner and the appellant. It should be noted that design review approval is not required for installation of landscaping.

Ground #3: **If the landscaping is placed behind the fence, it will effectively create a solid wall above our driveway and impact the approach to our home.**

Staff Response: See the staff response for Ground #2.

Ground #4: **The fence should be placed up-slope, two to three feet, closer to the existing trees to blend in with the landscaping and not impact views.**

Staff Response: At some point during the review process, blue tape was installed up-slope to indicate a potential placement of the deer fence within the existing tree/shrub line. The appellant would have preferred approval of the fence in this location, rather than where the stakes were placed a few feet down the hillside, because the fence would not be as visible behind the tree line. Staff asked the applicant if he would be willing to move the fence a few feet up the hillside to appease the neighbor. The applicant indicated that he did not want the fence located behind the tree line, and therefore maintained the proposed location of the fence just outside of the tree line.

CONCLUSION

The fence as approved would not obstruct views for the neighbor at 45 Mount Tiburon Road. As previously stated, many properties within Tiburon have views of property line fencing, which include deer fencing and solid wood fencing. Visible fencing has generally been found to be acceptable if the fencing does not substantially block views for neighboring properties. In this case, because the proposed fence would not obstruct views, staff determined that the proposal was acceptable and approved it. Staff recommends that the Board visit the subject site and the adjacent neighbor's home at 45 Mount Tiburon Road to view the fence stakes where the proposed fencing would be located, to better understand the potential visual impacts on the neighbor.

RECOMMENDATION

Staff recommends that the Design Review Board:

1. Indicate its intention to deny the appeal; and
2. Direct Staff to return with a Resolution denying the appeal, for adoption at the next meeting.

- Exhibits:
1. Notice of Appeal
 2. Planning Division Notice of Action dated June 17, 2010
 3. Letter dated June 10, 2010 from Walter & Elizabeth Menzel
 4. Email dated May 24, 2010 from George Chu
 5. Letter dated May 19, 2010 from Nancy Shapiro & Steve Gold
 6. Letter dated May 19, 2010 from Walter & Elizabeth Menzel
 7. Application and Supplemental Materials
 8. Submitted Plans

Prepared By: Laurie Tyler, Associate Planner



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Design Review Board Meeting
August 5, 2010

Agenda Item: **4**

STAFF REPORT

To: Members of the Design Review Board
From: Planning Manager Watrous
Subject: 139 Leland Way; File #21014
Site Plan and Architectural Review for the Construction of a New Single-Family Dwelling with a Variance for Excess Lot Coverage
Reviewed By: _____

PROJECT DATA

ADDRESS: 139 LELAND WAY
ASSESSOR'S PARCEL: 034-121-12
FILE NUMBER: 21014
PROPERTY OWNERS: JEFFREY AND KATE RATTO
APPLICANT: DONALD BABBITT (ARCHITECT)
LOT SIZE: 7,502 SQUARE FEET
ZONING: R-1-BA (SINGLE-FAMILY RESIDENTIAL-BEL AIRE)
GENERAL PLAN: MEDIUM HIGH DENSITY RESIDENTIAL
FLOOD ZONE: X
DATE COMPLETE: JULY 14, 2010

PRELIMINARY ENVIRONMENTAL DETERMINATION

Town Planning Division Staff has made a preliminary determination that this proposal would be exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301.

PROPOSAL

The applicant is requesting Design Review approval for the construction of additions to an existing single-family dwelling on property located at 139 Leland Way. As more than 50% of the floor area of the existing house would be demolished as part of this project, the application has been deemed to be construction of a new single-family dwelling.

The project would extend additions to the front and rear of the existing house. The existing one-car garage would be pushed forward and bay windows would be added to the two bedrooms at the front of the house. A larger addition would be attached to the rear of the house, including a new great room, master bedroom suite and study, along with an expanded kitchen. The roofline

of the house would be reconfigured to provide a taller peak to the ridgeline. Two new skylights and a solar tube skylight would be installed in the roof.

The proposed additions would increase the floor area of the house by 1,484 square feet to 2,502 square feet, which is less than the floor area ratio for this site. The proposed addition would increase the previously approved lot coverage of the site by 1,990 square feet to a total of 3,272 square feet (43.6%), which would be greater than the 30.0% maximum lot coverage permitted in the R-1-BA zone. Therefore a variance is requested for excess lot coverage.

A color and materials board has been submitted and will be present at the meeting for the Board to review. The exterior of the proposed house would include dark grey shingle siding with off-white trim and dark grey composition shingle roofing.

ANALYSIS

Design Issues

The Bel Aire neighborhood consists of predominantly single-story homes originally built in the 1950s. Although many of the homes in this subdivision have been updated, no full second story additions have been approved in many years. In the past ten years, several requests to construct two-story additions have been met with considerable resistance from residents who valued the single-story character of the neighborhood. As a result, most applications to expand homes in this neighborhood have either been strictly one-story designs or have included only small, attic-type upper level improvements. Many of the approved additions have received variances for excess lot coverage and/or reduced setbacks in order to accommodate a one-story house design that approaches the floor area ratio for the lot.

The increased height of the proposed roofline would have a maximum height of 17 feet, 6 inches, which is slightly higher than most other homes in the Bel Aire subdivision. The maximum roof height is located only at the center of the house, with the roofline sloping down to the perimeter of the building. The additional roof height would not block views for any nearby homes in this relatively flat subdivision and the roof slope would keep the mass of the roof away from neighboring properties. In accordance with the guiding principles for Site Plan and Architectural Review contained in Section 16-52.020 (H[6]) of the Tiburon Zoning Ordinance, the Design Review Board should determine whether this additional roof mass would be “harmonious with existing development in the vicinity [or] be in stark contrast with its surroundings.”

Zoning

Staff has reviewed the proposal and finds that it is in conformance with the development standards for the R-1-BA zone, with the exception of the requested variance for excess lot coverage.

In order to grant the requested variance, the Board must make all of the following findings required by Section 16-52.030 (E) of the Tiburon Zoning Ordinance:

1. ***Because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of this Ordinance will deprive the applicant of privileges enjoyed by other properties in the vicinity and in the same or similar zones.***

The 7,502 square foot size of the subject property is considerably smaller than the 10,000 square foot minimum lot size in the R-1-BA zone. The historical reluctance to approve second story additions in the Bel Aire neighborhood limits the development of two-story construction projects. These situations create special circumstances that would deprive the owners of this property of development privileges enjoyed by other properties in the vicinity.

2. ***The variance will not constitute a grant of special privileges, inconsistent with the limitation upon other properties in the vicinity and in the same or similar zones.***

Numerous other properties in the R-1-BA or similar zones have received variances for excess lot coverage when second story additions are inappropriate. Therefore, the granting of this variance would be consistent with the limitations upon other properties in the vicinity and in the same or similar zones.

3. ***The strict application of this Ordinance would result in practical difficulty or unnecessary hardship.***

The strict application of the maximum lot coverage requirement for this property would either require the construction of a second story addition that would be inconsistent with the character of the surrounding Bel Aire neighborhood or would limit the floor area for a house on this lot to a level substantially below the allowable floor area ratio for a lot of this size. These building limitations would result in a practical difficulty on the applicant.

4. ***The granting of the variance will not be detrimental to the public welfare or injurious to other properties in the vicinity.***

As described above, the proposed additions would not project into the views of or create privacy impacts for any neighboring residences.

From the evidence provided, Staff believes that there is sufficient evidence to support the findings for the requested variance.

PUBLIC COMMENT

As of the date of this report, no letters have been received regarding this application.

RECOMMENDATION

The Board should review this project with respect to Zoning Ordinance Sections 16-52.020 (H) (Guiding Principles) and determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) as specified in Section 15301. If the Design Review Board agrees with Staff's conclusions, it is recommended that the attached conditions of approval be applied.

ATTACHMENTS

1. Conditions of approval
2. Application and supplemental materials
3. Submitted plans

CONDITIONS OF APPROVAL

139 LELAND WAY

FILE #21014

1. This approval shall be used within three (3) years of the approval date, and shall become null and void unless a building permit has been issued.
2. The development of this project shall conform with the application dated by the Town of Tiburon on July 1, 2010, or as amended by these conditions of approval. Any modifications to the plans of July 1, 2010 must be reviewed and approved by the Design Review Board.
3. Plans submitted to the Building Division for plan check shall be identical to those approved by the Design Review Board. If any changes are made to the approved Design Review plans, the permit holder is responsible for clearly identifying all such changes when submitted to the Building Division for plan check. Such changes must be clearly highlighted (with a “bubble” or “cloud”) on the submitted plans. A list describing in detail all such changes shall be submitted and attached to the building plans, with a signature block to be signed by the Planning Division Staff member indicating that these changes have been reviewed and are approved, or require additional Design Review. All changes that have not been explicitly approved by Staff as part of the Building Plan Check process are not approved. Construction that does not have Planning Division approval is not valid and shall be subject to stop work orders and may require removal.
4. If this approval is challenged by a third party, the property owner/applicant will be responsible for defending against this challenge. The property owner/applicant agrees to defend, indemnify and hold the Town of Tiburon harmless from any costs, claims or liabilities arising from the approval, including, without limitations, any award of attorney’s fees that might result from the third party challenge.
5. The applicant must meet all requirements of other agencies prior to the issuance of a building permit for this project.
6. All exterior lighting fixtures other than those approved by the Design Review Board must be down light type fixtures.
7. The project shall comply with all requirements of the Southern Marin Fire Protection District
8. All requirements of the Marin Municipal Water District shall be met.
9. The applicants shall obtain any necessary sewer permits from the Richardson Bay Sanitary District and pay all applicable fees prior to construction of a side sewer and

connection to the sewer main. After connection to the sewer main but prior to commencement of discharge and prior to covering of the pipe, the District shall be contacted and allowed to inspect the connection for conformance to standards.

10. All requirements of the Town Engineer shall be met, including, but not limited to, the following, which shall be noted on building plan check plans:
 - a. A Public Works encroachment permit will be needed to control construction staging and parking.
 - b. The public right-of-way shall be protected from damage during construction, or repairs shall be made to the satisfaction of the Tiburon Public Works Department.